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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,657	12/08/2003	Robert B. Meek JR.	050704/306291	2999
826 7590 09/30/2009 ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER SHEIKH, ASFAND M	
			ART UNIT 3627	PAPER NUMBER
			MAIL DATE 09/30/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/730,657

Applicant(s)

MEEK ET AL.

Examiner

Asfand M. Sheikh

Art Unit

3627

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 25, 27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 25, 27 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/22/2009 has been entered.

Response to Arguments

Applicant's arguments with respect to claims 1-5 and 25, and 27-28 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Renz et al. (US 7,222,786 B2) in view of Frederick (US 6,112,502).

Claim 1

Renz discloses a computer-implemented method (see at least, abstract: the examiner notes software on instructions operable to cause a programmable processor to receive inventory data relating to stock in an inventory), comprising:

generating, via a computing device, data representative of an item bought at a plurality of decentralized locations (see at least, col. 6, lines 6-17: the examiner notes the IEWA receives shelf quantity data from a shelf monitoring program);

transmitting said data representative of the item to a centralized computing system (see at least, col. 6, lines 6-17: the examiner notes the IEWA receives shelf quantity data from a shelf monitoring program);

electronically determining if a first quantity of the item stored at the decentralized location is below a first predetermined level (see at least, col. 6, lines 6-20: the examiner notes when the quantity of items on the shelf reach a certain level the IEWA

sends a message (e.g. a form or determining quantity of an item is below a predetermined level);

automatically generating a restocking order to restock the item at the decentralized storage location in response to the first quantity of item stored at the decentralized location being below a first predetermined level (see at least, col. 6, lines 6-20: the examiner notes when the quantity of items on the shelf reach a certain level the IEWA sends a message (e.g. a form or determining quantity of an item is below a predetermined level and generating an order));

in response to fulfillment of the restocking order (see at least, col. 6, lines 27-35: the examiner notes a store is able to replenish its shelf with items), electronically determining if a second quantity of the item stored at the restocking storage location is below a second predetermined level (see at least, col. 6, lines 36-46 and col. 6, lines 56-col. 7, lines 14: the examiner notes a restocking storage location (e.g. warehouse) uses a IEWA that once an item is transferred from the warehouse determines when to order additional tock of that item);

automatically generating, a purchase order ordering a third quantity of the item in response to the second quantity of the item stored at the restocking storage location being below the second predetermined level (see at least, col. 6, lines 36-46 and col. 6, lines 56-col. 7, lines 14: the examiner notes a restocking location (e.g. warehouse) uses a IEWA that once an item is transferred from the warehouse determines when to order additional stock (automatically generating an order of quantity) of that item and col. 9,

lines 17-20: the examiner notes the IEWA (e.g. agent) can tell a manufactory to build more products (e.g. order));

and transmitting the purchase order to a distributor computing system (see at least, (see at least, col. 6, lines 36-46 and col. 6, lines 56-col. 7, lines 14: the examiner notes a restocking location (e.g. warehouse) uses a IEWA that once an item is transferred from the warehouse determines when to order additional stock (automatically generating an order of quantity) of that item and col. 9, lines 17-20: the examiner notes the IEWA (e.g. agent) can tell a manufactory to build more products (e.g. order)).

Renz fails to disclose an item dispensed from one of a plurality decentralized storage locations.

However Frederick discloses monitoring the inventory of an item dispensed from one of a plurality decentralized storage locations (see at least, abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Renz's decentralized locations to include monitoring the inventory of an item dispensed from one of a plurality decentralized storage locations as taught by Frederick. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide an indication of what items have been used so that supplies may be replenished before depletion (see at least, Frederick, col. 2, lines 25-31).

Claim 3

Renz discloses wherein the centralizing computing system comprises an online data exchange system that transmits the purchase order to the distributor computing system (see at least, FIG. 2 the examiner notes the IEWA transmits data to the planning/execution module which transmits data to the manufacturing facility (e.g. distributor computing system) or the distribution center (e.g. restocking storage location) and col. 3, lines 14-26: the examiner notes computer systems coupled over a network and col. 6, lines 6-col. 7, lines 14).

Claim 25

Renz fails to disclose wherein the storage location comprises a cabinet.

However Frederick discloses wherein the storage location comprises a cabinet (see at least, FIG. 40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Renz's decentralized locations to include wherein the storage location comprises a cabinet as taught by Frederick. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide an indication of what items have been used so that supplies may be replenished before depletion (see at least, Frederick, col. 2, lines 25-31).

Claim 27

Renz discloses further comprising: receiving the restocking order from the centralized computing system (see at least, col. 6, lines 56-col. 7, lines 14: the examiner notes warehouse/distribution center receiving an order of an item pallet) and generating a restocking package at the restocking location to fulfill the restocking order (see at least, col. 6, lines 56-col. 7, lines 14: the examiner notes the pallet is loaded into the truck (e.g. sent to consumer).

Claims 2, 4 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Renz et al. (US 7,222,786 B2) in view of Frederick (US 6,112,502) as applied to claim 1 above, and further in view of Examiner's Official Notice

Claim 2

The examiner notes Renz in view of Frederick fail to disclose causing display of said purchase order, before transmitting said purchase order to the distribution center.

The examiner takes Official Notice that it is old and well known in the inventory arts to have a manager/supervisor use a computer system that display's an order of items needing approval before transmission of the order of items to a seller/warehouse/manufacture (e.g. manager terminal receives a purchase order for items and then approves the purchase order of items after visually viewing the order).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Renz in view of Frederick to include the

features as taught by the Examiner's Official Notice. One of ordinary skill in the art would have been motivated to combine the teachings of the Examiner's Official Notice to Renz in view of Frederick in order to provide approval of an order by a managing entity to assure that only the items needed are ordered in order to save on inventory spending costs.

Claim 4 and 28

Renz in view of Frederick fail to disclose further comprising receiving (a) notification that items in the purchase order have been shipped and (b) barcode information associated with the shipment. *With respect to claim 28, the examiner notes Renz discloses receiving, via the distributor computing system, the purchase order from the centralized computing system and automatically assembling the items identified in the purchase order (see at least, FIG. 2 the examiner notes the IEWA transmits data to the planning/execution module which transmits data to the manufacturing facility (e.g. distributor computing system) or the distribution center (e.g. restocking storage location) and col. 3, lines 14-26: the examiner notes computer systems coupled over a network and col. 6, lines 6-col. 7, lines 14)*

The examiner takes Official Notice that it is old and well known in the shipping arts to send an email containing notification items have shipped and further bar code information associated with the shipment (e.g. tracking number) (e.g. receiving an email from an online reseller that an item has shipped and the tracking number/bar code associated with the shipment).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Renz in view of Frederick to include the features as taught by the Examiner's Official Notice. One of ordinary skill in the art would have been motivated to combine the teachings of the Examiner's Official Notice to Renz in view of Frederick in order to provide a consumer with tracking information of an item once it ships.

Claim 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Renz et al. (US 7,222,786 B2) in view of Frederick (US 6,112,502) and Examiner's Official Notice as applied to claim 4 above, and further in view of Lester et al. (US 6,021,392)

Claim 5

Renz in view of Frederick and Examiner's Official Notice fail to disclose further comprising receiving barcode information from a scan of the barcode at the restocking location after receiving the shipment and update the second quantity of items stored at the restocking storage location.

However Lester discloses receiving barcode information from a scan of barcode once an order is received at a location and updating the quantity of items stored at the at the location (see at least, col. 2, lines 54-col. 3, lines 5: the examiner notes the barcodes may be scanned to track what drugs and quantities arrived).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Renz in view of Frederick Examiner's

Official Notice to include receiving barcode information from a scan of barcode once an order is received at a location and updating the quantity of items stored at the at the location as taught by Lester. One of ordinary skill in the art would have been motivated to combine the teachings in order to track the items received at a given location (see at least, Lester, col. 2, lines 54-col. 3, lines 5).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asfand M. Sheikh whose telephone number is (571)272-1466. The examiner can normally be reached on 9a-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan M. Zeender can be reached on (571)272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Asfand M. Sheikh/
Examiner, Art Unit 3627
9/29/2009